



December 29, 2015

City of Annapolis
Department of Planning & Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401

Attn: E. Thomas Smith

**Re: BAY VILLAGE LOT 4
ANNAPOLIS, MD 21401
FOREST CONSERVATION PLAN
RESPONSE TO COMMENTS
FCP2015-005**

Dear Mr. Smith:

The following is a point-by-point response to the comments generated in a letter dated October 30, 2015. We have organized the comments (copy attached) and our respective responses as follows:

General Site Design:

- Response 1:** After careful consideration of written and verbal feedback from Planning and Zoning, followed by detailed site analysis and adjustments from the design team, the revised site plan reflects a proposed design that is in much better harmony with the character of the surrounding and compatibility between the natural and existing developed environment.
- Response 2:** Per City and other stakeholder feedback, the existing features (natural and developed), such as, but not limited to, the property boundary, existing pond and non-tidal wetland, have been looked at more closely and allowed to drive the revised layout. For instance, the revised site plan reduces the footprint from our previous proposal resulting in a reduced impact to the existing forested areas of the property, providing a larger buffer for the non-tidal wetland and preserving a specimen tree. Specific example improvements include shifting the building location, placing of all required parking and storm-water management underneath the building, shrinking the architectural first floor plan, and shifting some units from the first floor to the second floor, all resulting in a reduced building footprint.
- Response 3:** The overall horizontal footprint has been substantially reduced by placing portions of the program on an increased second floor. The storm-water management volume has been provided underneath the building resulting in a smaller required open pond and allowing additional developer area to be graded and reforested. The reductions in the footprint have allowed the project to meet the intent of the State Forest Conservation Act completely on site, through a combination of preservation of existing forest, reforestation and public R/W street trees.
- Response 4:** The building entry/drop off area and underground parking/loading access points have been shifted and minimized to just two locations along Bay Village Drive as well as aligned with vehicle movements of existing and planned access points for the commercial lots within the Bay Village overall project. In addition, the drop off has been reconfigured to maximize the distance from South Edgewood Drive for exiting vehicles.

- Response 5:** Understanding the importance of this city-wide initiative to numerous and diverse stakeholders, a tree canopy plan has been provided in the resubmittal landscape package showing how the entire Bay Village subdivision will meet the City Comprehensive Plan's goal of 50% tree canopy. Actual canopy calculated to be 52.3%.
- Response 6:** The proposed building elevations, location and landscaping has been sited to establish a more urban streetscape treatment along Bay Village Drive as recommended. Refer to the revised Architectural renderings and landscape plans for more detail.
- Response 7:** The drainage areas to the wetland are delineated as drainage area #1A on both the pre and post development drainage area maps of the Special Exception Site Design Plans (Sheets C17 and C18). The existing drainage area to the wetland is 11.99 acres with a 10-year flow of 34.8 cfs as noted. The post development drainage area to the wetland is 11.65 acres with a 10-year flow of 31.7 cfs as noted. The water surface elevations associated with these flows (elevation 51.68 ft in existing conditions and 51.50 ft in developed conditions) are above the elevation of the wetland area so the volume in the wetland area will be maintained. It is our conclusion that the existing non-tidal wetland area identified on Lot 4 will continue to be maintained hydrologically after Lot 4 is developed.
- Response 8:** The proposed building will not exceed the forty-five (45) feet in height, therefore, no Planned Development application will be required.
- Response 9:** The plan was revised to include all required parking on Lot 4 and none of the existing parking spaces located on Bay Village Drive will be counted toward this requirement. The revised project submission proposes 88 units, compared to the 90 units indicated on pages C4 and C6 of our first submission. Our revised submission shows 68 parking spaces in the underground garage, which exceeds the City parking requirements of 66 spaces. Nevertheless, 9 surface spaces abutting the common access Drive on Lot 3 are also included in our revised submission to further ensure ample parking for not just visitors of our Assisted Living facility but other present and planned businesses and patrons of Bay Village.

Forest Conservation Design

- Response 1:** We acknowledge and understand your comment.
- Response 2:** Per City recommendation, the total gross site area of 10.34 acres (including the public R/W) has been used in the Forest Conservation worksheet and no deductions from the gross tract area for public right-of-ways have been taken.
- Response 3:** The revised Forest Conservation worksheet has been revised to depict the PM2 portion with 15% afforestation and conservation thresholds while the R1 portions have been calculated with 15% afforestation threshold and a 20% conservation threshold.
- Response 4:** The revised worksheet now clearly depicts Lot 2 will be totally cleared of any forested area as per the originally approved Bay Village Subdivision and our project will meet and exceed State of Maryland forest conservation worksheet requirements strictly through Lot 4 and the available right-of-ways.
- Response 5:** The Forest Conservation Plan and Street Tree Planting Plan have been revised to reflect only street trees. All shrubs and evergreen trees have been removed from the plans and tables. As noted in one of our meetings the Sweet Gum trees proposed have been clarified to specify male only species which will not set fruit also known as gum balls.

- Response 6:** The street trees along the Forest Drive right-of-way have previously received approval from County Traffic Engineering Division per the attached stamped plan approval (copy attached). Under separate cover we have requested an updated approval stamp on the plans from the County DPW (copy attached)
- Response 7:** The Landscape and Canopy Coverage Plans are separate from the Forest Conservation Plans and computations. Care has been taken in our resubmission to make sure these are clear and detailed.
- Response 8:** The Bay Village Assisted Living project team, by no means, meant to convey anything negative about past decisions regarding Bay Village planning and fully acknowledges the value and importance of both forest conservation and smart planning, as well as the necessary regulatory process that accompanies them. In turn, our Justification Statement has been updated and improved for our FCP resubmission.

On behalf of the entire Bay Village project team, we hope that the above responses and enclosed revised information will meet with DPZ and DNEP approval and the Forest Conservation Plan can continue to be processed for approval.

If you should have any questions or comments, please do not hesitate to contact me.

Sincerely,
BAY ENGINEERING, INC.


Terry L. Schuman, P.E.

cc: Jon Grant
Ted Henry
Anthony Christliff
Michael Klebasko
Pat Faux
Jon Arason



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City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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C. PETE GUTWALD, AICP
DIRECTOR

October 30, 2015

To: Frank Biba, Chief of Environmental Programs

From: E. Thomas Smith, Jr., RLA, Chief of Current Planning

Re: Bay Village Lot 4 Forest Conservation Plan Review
TrakIt File No.: FCP2015-005

General Site Design:

1. Chapter 21.22, Site Design Plan Review, states that the proposed design shall be in harmony with character of the surrounding neighborhood and Comprehensive Plan and achieves a maximum of compatibility. The proposed site design appears to illustrate a minimum compatibility between the natural environment and the built environment,
2. Site Design Plan Review further states that disturbance to existing vegetation, topography and soils shall be minimized. The proposed site design illustrates a concept whereby the architecture and land use are forced within the natural environment, rather than allowing the existing site features and landscape to drive the architecture and building locations,
3. The overall horizontal footprint appears to have increased, rather than decreased from the prior meetings. At those meetings Planning and Zoning Department requested that said horizontal footprint be significantly reduced; either increase the number of stories, reduce the number of beds/units or look to relocate the portions of the building over the existing stormwater pond (as the pond area is already cleared of forest). The Department cannot support forest clearing below the breakeven point,
4. Prior comment(s) regarding drive and entrance locations have not been modified so as to avoid negative and potentially unsafe impacts. Entrances shall align with existing road lanes and existing parking entrances, or be offset a minimum of 100 ft.,
5. How does the proposed site development comport with the Comprehensive Plan's goal of 50% tree canopy,
6. The proposed building shall be sited to establish a more urban, rather than suburban landscape. Streetscape treatment of an urban context will help establish the proper vocabulary,

7. Detailed pre and post drainage areas with stormwater flow rates and volumes for the 10 year storm shall be delineated for the existing non-tidal wetland area. Hence, how with the existing water flows, both surface and subsurface, be maintained to support the non-tidal wetland,
8. Proposed buildings over forty-five (45) in height shall be approved as a planned development in accordance with Chapter 21.24,
9. Parking for the institution for the aged is required to be constructed on-site. Parking within the Bay Village Drive right-of-way will not count towards required parking standards, thus per the calculations on Sheet C4 of 19, the project is 8 spaces short of the required 68 spaces,

Forest Conservation Design:

1. Forest conservation for the Bay Village subdivision was directive in the original approval, allowing a higher degree of forest clearing the front, commercial three lots, thus providing a greater degree of forest preservation on the rear residential lot.
2. The total site area for the entire original subdivision shall be used in the Forest Conservation Worksheet, hence no deductions from the gross tract area for public rights-of-way are permitted,
3. The Bay Village development is not a planned development (planned developments are not permitted within the PM2 Zoning District), nor is it considered mixed use from a forest conservation perspective. The City of Annapolis uses, since the adoption of the State FCA, the underling zoning district to determine the land use category. High Density Residential with a conservation threshold of 20% shall be utilized for the R1 zoned land,
4. The Forest Conservation Plans and Worksheet are not clear or definitive as to forest preservation on Lot 2. Again, the original approval for the Bay Village subdivision assumes all of Lot 2 will be cleared. Both a bank and coffee shop have been proposed for Lot 2, but neither has garnered approval to date. Hence, approximately 0.40 acres of forest clearing for Lot 2 shall be included in the FC Worksheet,
5. The State Forest Conservation Act was amended to allow municipal corporations to accept the use of street trees as credit towards afforestation and reforestation, based upon mature canopy coverage. The use of ornamental trees, evergreen trees or shrubs is not permissible as reforest credit. From the Reforestation – Right-of-way Trees, shown on Sheet FC3 of 5, Platanus acerifolia, Liquidamber styraciflua, Quercus alba and Quercus phellos are the only acceptable species for credit as street trees,

6. The five (5) proposed *Platanus acerifolia* delineated within the Forest Drive right-of-way shall required the approval of Anne Arundel County before credit acceptance by the City of Annapolis,
7. The Tree Canopy Calculations provided on Sheet L2 note 2.76 acres of canopy coverage provided. Please explain how this meets the definition of a forest per the State FCA,
8. To set the record straight regarding the submitted Justification Statement for Clearing Below the Breakeven Point, the current owners (prior applicants) were well aware of the future restrictions, constraints imposed upon Lot 4 by deferring all required forest conservation to Lot 4. I don't believe one can blame the local jurisdiction's good planning as justification for excessive forest clearing!



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City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

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October 22, 2015

Theodore Henry, Project Manager

gsxsolutions

7 Old Solomons Island Road

Annapolis, MD 21401

RE: Review of the September 1, 2015 Forest Conservation Plan (FCP), Lot 4 at Bay Village

Mr. Henry,

Following are comments from the Department of Neighborhood and Environmental Programs regarding the FCP for Lot 4 at Bay Village:

1. Sheet FC 1:

Forest Conservation Worksheet:

- B: Why is the Public R/W not included in the Net Tract Area?
- Use the conservation threshold and the afforestation threshold for the high residential areas (20% and 15% respectively)
- The City prefers a reduction of the forest area that will be cleared. Any Forest Conservation Plan Justification Statement for a site with Priority Stands will need to answer the questions in section 3.1.1 part 4 on page 3-6 of the State Forest Conservation Technical Manual, Third Edition 1997. Please show the projected canopy coverage for afforestation/reforestation areas.

2. Sheet FC 3:

The six Sycamore trees proposed along Bay Ridge Avenue will be planted on Anne Arundel County property. Please provide documentation that the County is aware that trees are being planted in their right-of-way and that they will be maintained and protected in an approved landscape plan.

Some of the proposed planting locations for large canopy trees are too small. Either enlarge the planting area or use a smaller type of tree.

Some of the proposed planting locations for large canopy trees are too close to underground utility lines. Trees must be outside utility easement areas.

As it pertains to the Forest Conservation Act no square footage can be claimed for the planting of shrubs.

Sheet FC 4:

Root prune at the LOD and place the silt fence in the pruning trench.

Delete the tree protection fence detail in the bottom left corner.

3. Concept Landscape Plan:

Please show the scale on the plan.

Many of the proposed large canopy trees are in inappropriate locations (too close to retaining walls/utility lines, etc).

Stormwater Management:

1. Page 3 of the SWM Report states HSG soils of C and D are present on the site. The computations on page 7 do not show any D soils.
2. The computations on page 19 show the SWM requirements after ESD. The following comments are in regards to the BMP on site:
 - a. The calculations do not seem to take into consideration the ESD practices proposed for this project in calculation of volume required for treatment.
 - b. The calculations for ESDv do not include impacts to existing micro-bioretenention areas being impacted by this development.
 - c. It is noted that the pond may be oversized and the volume may already be accounted for.
3. It is unclear in Appendix D if the pond computations are the original pond computations or if they are revised to the new design of the pond.
4. On page 64 of the SWM Report shows 3.47 acres of offsite impervious area and 0.75 acres of onsite impervious area to the pond. On sheet C16 the offsite impervious area is shown to be 6.08 acres for existing and 7.88 acres for proposed.
5. On page 65, the WQv shown as 5659 CF does not match the existing plans on sheet 31 in the SWM Summary table, which shows the WQv to be 8,957 CF required with 5,508 CF in the SWM permanent pool.
6. Updated borings are required for this project.
7. The retrofit of the existing pond is removing the micro-bioretenention area closest to the outfall of the stormdrain to the pond. This micro-bioretenention area is connected to a stormdrain system which includes the overflow from the other micro-bioretenention area being a part of the system. This connects to the last manhole prior to the outfall to the pond. This pipe appears to be impacted by the new design of the pond.

8. The retaining walls to the pond will be in the permanent pool of the pond and will be 12 feet high. This wall will have a high likelihood of failure from hydrostatic pressures.
9. The outfall from the proposed stormdrain system does not show any riprap or stabilization at the outfall. The outfall is shown to be approximately 4 to 5 feet above the invert of the pond. This outfall could undermine the footer of the wall.
10. The pond needs to be designed to NRCS-MD Code No. 378 Pond Standards and Specifications.
11. A safety bench may be needed for the pond.
12. The plans on page C12 show an existing fence, which is not in the location shown.
13. The proposed fence along the wall does not go all the way along the wall.
14. The Time of Concentration Path shown for drainage area 1A in the existing and proposed conditions is shown going through the wetland and flowing uphill.
15. The erosion and sediment control plans are showing staging and stockpile areas on top of the proposed locations for micro-bioretenment areas 1, 2, and 8. This may cause compaction of the soil.
16. The erosion and sediment control measures show a temporary sediment trap on top of micro-bioretenment areas 6 and 7.
17. The temporary sediment trap is shown on the northern side of the site. On the southern side of the site (adjacent to the pond), the only sediment and erosion controls are reinforced silt fence shown going through the footprint of the building, through the wall and along the top of the existing BMP.
18. Please provide detailed information regarding the existing stormwater pond and the areas it is intended to service.

Prior to your submission of any revisions, please contact me to schedule a pre-application meeting.

Sincerely,



Frank Biba, AICP/LEED AP
Chief, Environmental Programs\
Dept. of Neighborhood and Environmental Programs
ffb@annapolis.gov
410 263-7946

cc: Maria Broadbent, Director DNEP
Pete Gutwald, Director P&Z
Terry Schuman, P. E.